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Attorneys for Defendant Justin Snell

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

STEVEN R. ERVIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-CV-044-D
)	
JUSTIN SNELL, <i>in his Official and</i>)	
<i>Individual Capacities,</i>)	
)	
Defendants.)	

STIPULATION OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

COME NOW all the parties, through their respective counsel, pursuant to FED. R. Civ. P. 41(a)(1)(A)(ii), and stipulate to dismissal of Plaintiff's claim against the Defendant, Justin Snell, in his official capacity. Plaintiff was released from the Wyoming

State Penitentiary on December 9, 2008. Therefore, no injunctive or declaratory relief is available against Mr. Snell in an official capacity and the official capacity claim is moot. The caption in this matter should be amended to only name Defendant Justin Snell in his individual capacity.

Since this stipulated dismissal is agreed upon by all parties who have appeared, there is no need for a Court order dismissing the official capacity claim.

Respectfully submitted this ____ day of October, 2010.

Approved as to Form:

/s/ Thomas W. Rumpke
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/s/ Signed Pursuant to Email, dated 10/22/10
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